IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13793 of 2004

Between:

Blue Cross Association Regd. Having its Office at H.No.35-7-12 Kaspa Golla Street,Rajahmundry-1, rep. by the Secretary Smt. N. Anasuya W/o. N. Koteeswara Rao, 41 years, Mangalvar pet, Rajahmundry-1.

..... PETITIONER

AND

1 The Commissioner-Municipality Rajahmundry, East Godavari District.
2 The Sub Collector, Rajahmundry, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, Direction or order especially in the nature of Writ of Mandamus directing the Respondents to strictly implement the Animal Birth Control (Dogs) Rules 2001 dt. 24.12.2001 framed by the Govt. of India under sub-section (1) & (2) and section 38 of the Prevention of Cruelty to Animals Act, 1960 by discharging their obligations as laid down under rules 6 (1 to 3) and also other Rules for the Effective control of the population of the stray dogs without the process of killing by declaring the action of killing the stray dogs in Rajahmundry town as illegal, inhuman and arbitrary and also direct the Respondent No.2 to allot a site immediately by instructing the concerned officials for strating a Veterinary Hospital at our expenses for the effective control of the stray dog population, which is the mandate of the Animal Birth Control (Dogs) rules of 2001.

Counsel for the Petitioner:SMT.C.JAYASREE SARATHY

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

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ORDER : (Per Hon'ble Bilal Nazki, HACJ)

The grievance of the petitioner is that the respondents are killing the dogs in violation of Notification No.S.O.1256(E), issued by Government of India in terms of Section 38 of the Prevention of Cruelty to Animals Act, 1960. Another relief claimed is that the petitioner-Society is working for the cause of welfare of animals, therefore they should be allotted 10 acres of land by the State Government.

Counter has been filed and we have heard the learned Counsel for the parties.

In the counter affidavit it has been stated that the Petitioner-Organization is just started and before it proves its bona fides that it is working for the cause, request for allotment of land could not be considered. With regard to the contention that the respondents are not taking care in regard to the sterilization and immunization of stray-dogs, it is submitted that there are number of complaints from the public with regard to the dog bites and with regard to the danger to human life by such bites. There are number of dogs which are suffering from illness. It is denied that dogs are being killed.

In view of these assertions made in the counter that all steps are being taken to save the public from the bites of the dogs and also to prevent killing of dogs by taking appropriate steps to sterilize them, we do not think any directions are needed to be given. It is also expected that the respondents will continue to follow the relative Rules.

Writ Petition is accordingly dismissed. No costs.

BILAL NAZKI, HACJ

5th April 2005.

Dr. G.YETHIRAJULU, J

ajr

To

1 The Commissioner-Municipality Rajahmundry, East Godavari District.
2 The Sub Collector, Rajahmundry, East Godavari District.

3 Two C.Cs. to the GP for Revenue, High Court buildings, Hyderabad (OUT)

4 2 CD copies

5 1 CC to SMT.JAYASREE SARATHY

*Form-NIC-OGS/WP{**JGK**}*